

had stated "sufficient cause for extending the deadlines for comments and reply comments on Proposal Eighteen to align with those of Docket No. ACR2011." *Id.* However, stating that "the Commission has identified unexamined issues with respect to some other proposals [than Proposal Eighteen] in Docket No. RM2012-2, and will shortly issue a Chairman's Information Request asking the Postal Service to address them," the Commission announced that it "will not . . . merge the comments of Docket Nos. RM2012-2 and ACR2011 as Time Inc. requests, as that is likely to complicate, rather than simplify, handling of the range of issues that remain in Docket No. RM2012-2." *Id.*

According to the Postal Service, notwithstanding the fact that the Commission, in Order No. 1192, "rejected Time's request to merge the comments of this docket and Docket No. ACR2011, . . . Time chose to merge its Docket No. RM2012-2 comments with its Docket No. ACR2011 comments," offering the "terse and peculiar explanation" that the merger "was 'fortuitous.'" Motion at 1. That is factually wrong. Time Inc. filed comments separately in Docket No. RM2012-2 and Docket No. ACR2011. Time Inc. also pointed out in an introduction to its comments in this docket that they were "identical" to a portion of its comments in Docket No. ACR2011.

The Postal Service is mistaken if it believes that identical filings in different dockets are the same thing as a "merged" filing. While duplicative filings are generally disfavored, they may sometimes be necessary to maintain procedural order and sound docket management--for example, to insure that filings that are relevant to each of two proceedings that may temporarily be on a single track but

that may later diverge are preserved with the records of each proceeding. That is precisely the case with the comments on Proposal Eighteen in Docket No. ACR2011, which will be passed on by the Commission in its March 2012 Annual Determination of Compliance, and also in Docket No. RM2012-2, which is not subject to any decisional deadline, in conjunction with other issues that may or may not be implicated in Docket No. ACR22011. Time Inc. therefore did not understand Order No. 1192 as a directive to gin up two superficially distinctive sets of comments for the two separate dockets, irrespective of whether one set is, in the current posture of these proceedings, appropriate to both. Rather, we understood the Order quite literally as a directive to file separate, even if identical, comments in the two separate dockets, if we wish to have those comments considered in the two separate dockets. Our explanation that the reasons for the unavoidable duplication of documents were fortuitous, as well as "inarguably sound," with a note referring the reader who wished to trace those reasons more fully to Order No. 1192, was perhaps terse, but was intended as the most economical way of acknowledging that duplicative filings are generally disfavored but indicating that this case happened to fall among the exceptions to the general rule.

With respect to the delay of filing library reference TI LR-1 in Docket No. ACR2011, Time Inc. regrets any inconvenience caused by that delay to the Postal Service, any other participant, or the Commission. Time Inc. is fully agreeable to the extension of the deadline for reply comments in Docket No. RM2012-2 by six days, as requested by the Postal Service, as a consequence of

the delay. Time Inc. had intended to file the materials in TI LR-1 not as a library reference but simply as an electronic attachment to Mr. Stralberg's comments. The attachment, in the same Excel 2007 format that was later filed as a library reference, was ready to be filed electronically with the comments on Friday, February 3. However, it proved impossible to upload files in that format onto the Commission's filing online website, and the Commission's dockets and technical support staff was unable to identify or correct the problem either on that Friday or the subsequent Monday. It consequently proved impossible to provide the files to the Commission until they could be shipped from California by Mr. Stralberg formatted on hard disks and filed in that form as a library reference, resulting in the delay.²

Respectfully submitted,

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² After receiving the hard disks, the Commission was able to upload the Excel 2007 file onto its website from the disks, but as far as Time Inc. is aware, the problem of uploading the files from off site to the Commission's filing online website has not been solved.